

MINUTES OF A REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
BANNING LEWIS RANCH METROPOLITAN DISTRICT NO. 5 (THE "DISTRICT")
HELD
SEPTEMBER 19, 2024

A regular meeting of the Board of Directors of the Banning Lewis Ranch Metropolitan District No. 5 (referred to hereafter as the "Board") was convened on Thursday, September 19, 2024, at 9:00 a.m., at The Barn, 9150 Braemore Heights, Colorado Springs, 80927 and via Microsoft Teams. The meeting was open to the public.

ATTENDANCE

Directors in attendance were:

Steve Langer, President
Dawson Hubert, Vice President
Bob Burnett, Director

J. Larson, Secretary, was absent and excused.

Also, In Attendance Were:

Krista Baptist, Rachel Alles and Rob Lange, CliftonLarsonAllen LLP ("CLA")
Collin Mielke; Seter, Vander Wall & Mielke, P.C.
Karen Plaza, Gary & Betty Haverland, Loren Gallup, Joy Blum, Dave Sheeren, Lillian Ridgon, Suzanne Qualia, Rollie Colby, Ginny Beteille, BJ Miraflor, Kathi Giddens, Sherri Pierson, Tom & Sue Greulich, Chip Jamison, Bonnie McGowan, Jeannette O'Brien, Lisa & Barry Phelps, Wendy Tomme, Margaret Mecca, Mark Davis, Julie Sieverman, Celeste Martella, Phillip & Sherri Parrish, and Margaret Kleinsmith ; Members of the Public

ADMINISTRATIVE MATTERS

Call to Order and Agenda:

The meeting was called to order at 9:01 a.m. by Director Langer. The Board reviewed the agenda for the meeting. The Board approved the agenda, as presented and excused the absence of Director Larson.

Disclosures of Potential Conflicts of Interest:

The Board discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting and incorporated for the record those applicable disclosures made by the Board members prior to this meeting in accordance with statute. It was noted by Attorney Mielke that disclosures of potential conflicts of interest were filed with the Secretary of State for all directors, and

no additional conflicts were disclosed at the meeting.

Quorum, Location of Meeting, Posting of Meeting Notice:

Ms. Baptist confirmed the presence of a quorum.

It was noted that notice of the time, date and location was duly posted and that no objections to the location or any requests that the meeting place be changed by taxpaying electors within the District's boundaries have been received.

Board Appointment:

The Board discussed the vacancy on the Board. It was noted that pursuant to Section 32-1-808(2)(a)(I), C.R.S., publication of a Notice of Vacancy on the Board was published in a newspaper having general circulation in the District and that no Letters of Interest from qualified eligible electors were received within ten (10) days of the date of such publication.

Director Langer noted that five people were interested in the treasurer vacancy position. He presented Joy Blum's background and qualifications to the Board.

As such, eligible elector, Joy Blum was nominated to serve on the Board. Following discussion, upon a motion duly made by Director Hubert, seconded by Director Burnett and, upon vote, unanimously carried, the Board appointed Joy Blum to fill the vacancy on the Board.

Election/Slate of Officers:

Following discussion, upon a motion duly made by Director Hubert, seconded by Director Burnett and, upon vote, unanimously carried, the following slate of officers were appointed for the District:

President:	Steve Langer
Vice President:	Dawson Hubert
Secretary:	Joanna Larson
Treasurer:	Joy Blum
Director:	Bob Burnett

Minutes of July 25, 2024 Special Meeting:

The Board reviewed the Minutes of the July 25, 2024 Special Meeting. Following review and discussion, upon a motion duly made by Director Hubert, seconded by Director Langer and, upon vote, unanimously carried, the Board approved the July 25, 2024 Special Minutes, as presented.

Public Comment:

The Board opened the meeting for public comment.

Margaret Kleinsmith: Ms. Kleinsmith addressed the Board regarding concerns about old tree stumps in the park near 6331 Sire Point. She would like the District to remove the stumps before someone is harmed. Other residents expressed similar concerns especially during snow season.

Rollie Colby: Mr. Colby addressed the Board regarding member planet dashboard management issues. He noted issues have been reported multiple times to multiple entities with no resolution.

A resident notified the Board that she placed information cards regarding Dublin Road work at a community meeting last night.

Virginia Beteille-Hock: Ms. Beteille-Hock thanked Director Burnett for his efforts in fixing the landscape issues in the community and asked about answers to their unanswered questions from the July meeting. Director Langer noted that answers are being organized and will be posted.

FINANCIAL MATTERS

Schedule of Cash Position, Schedule of Property Tax Collections as of September 11, 2024:

Mr. Lange reviewed the Schedule of Cash Position and Schedule of Property Tax Collections with the Board, noting that the total cash currently is \$1,491,000. He stated that 99.71% of property taxes have been collected YTD. He stated that he will coordinate clearing \$0.04 out of the Capital Projects Fund, and the first interest payment on Series B bonds is anticipated to be made on December 1st. A resident inquired about the tax collections and projections made by CLA.

Mr. Lange informed the Board that the 2025 Budgets for Districts 1 and 5 are in the process to be submitted to the Board by the October 15th deadline. Following review and discussion, upon a motion duly made by Director Hubert, seconded by Director Burnett and, upon vote, unanimously carried, the Board accepted the Schedule of Cash Position, Schedule of Property Tax Collections as of September 11, 2024, as presented.

2023 Audit:

Mr. Lange noted that the 2023 Audit that was presented at the July meeting is the version that will be filed after making a few minor revisions. Director Langer noted that the auditor issued a clean opinion. Following discussion, upon a motion duly made by Director Langer, seconded by Director Hubert and, upon vote, unanimously carried, the Board approved the 2023 Audit, subject to final legal review, and authorized execution of the Representations Letter.

LEGAL MATTERS

Resolution Adopting a Digital Accessibility Policy & Designating a Compliance Coordinator:

Mr. Mielke provided an update to the Board noting the new legislation of ADA compliance with the Board. The District discussed private websites not operated or maintained by the District but that provide community information regarding Banning Lewis Ranch, noting those websites do not fall within the District's authority.

Following discussion, upon a motion duly made by Director Langer, seconded by Director Burnett and, upon vote, unanimously carried, the Board approved the Resolution Adopting a Digital Accessibility Policy and designating CliftonLarsonAllen (CLA) as the District's Compliance Coordinator, as presented.

Update Regarding IRS Examination of District Bonds:

Mr. Mielke stated that tax counsel (Ballard Spahr) is providing monthly updates to Director Larson, and they are still reviewing documentation and working on the examination/audit.

MANAGER MATTERS

Update and Consider Authorization of Website Compliance Coordinator to obtain Proposal for Remediation Services for Statutorily Required Documents and Authorize Board Member to Approve Proposal:

Ms. Baptist noted this matter was dealt with at the July meeting. No action needed.

Manager's Report:

Ms. Baptist stated she will send Director Langer the report to post for the residents. She noted that the Barn parking lot was approved for improvements on 9/28 and has been approved by MD1. She is working on facility items like painting pedestrian steps. The last day of the pool will be open is 9/29. There are theater trip issues that will be addressed once the pool closes. The Braemore exit gate malfunction is being troubleshooted, and a final part has been ordered and installation date is pending. Ms. Baptist noted the timeline/logistics are flexible for having an on-site management representative for the community's benefit. Director Dawson inquired about payment and involvement of Oakwood Life employees. The Board requested a manager's report from Kelly Reid from meetings and he is conducting community business.

DIRECTOR MATTERS

Finance Committee Updates:

Ms. Qualia detailed the 8/24/2024 finance study session, increased resident engagement and survey results. Mr. Jamison noted the committee sent their analysis of the 2023 Audit to Board and Board acknowledged they would accept it. Mr. Jamison noted that the committee is recommending funding request projects prompted by the community for 2025 and to incorporate into the 2025 Budget: Barn back door fobs, gate lighting, park benches, BOD development, pickleball security access, firepit. The Board discussed funding sources and developer advances for these projects. It was noted that CLA does not make decisions on projects, only decisions are made by the Board.

Upon a motion duly made by Director Langer, seconded by Director Burnett and, upon vote, unanimously carried, the Board approved to incorporate special projects into 2025 Budget.

Facilities and Safety Committee Updates:

Director Burnett reviewed updates that residents should expect communications around mid-October regarding irrigation shut down due to cold weather. He stated that shrub and sod replacement has begun, and they are finishing sod replacement this week. Concrete repairs are scheduled to begin soon. The report was received regarding the pool pump malfunction and algae, which will be addressed soon. District 1 is soliciting a bid to reseal any community fences they are responsible for. Berridale common area landscape/weeds maintenance is still impending because water meter has yet to be installed. Landscape Endeavors responded to community questions and has been posted on the bulletin board website/sent in an email blast. Tree stumps were addressed at the beginning of the season and Director Burnett noted that removal of tree stumps is difficult to get done in Colorado Springs. He will re-address it in hopes of coming to a resolution. Landscape Endeavors has begun formulating a snow removal plan for the 2024-2025 season. Director Burnett detailed updates on Dublin Road work and noted it will take about one year to complete and Dublin to Woodmen and should be complete by the end of 2024. Director Burnett discussed traffic issues which will be reported to the traffic division in hopes of more regulation in the community.

Oakwood Life Committee Update:

Director Langer provided an update regarding the unexplained charges that are coming through for Barn utilities and cleaning. Colin clarified that the Barn is open to residents and is being used by residents, so district funds are eligible to be used to pay these expenses. Mr. Lange noted cleaning expenses were being paid in 2023 and utilities began to be paid in 2024 by the District. Discussion ensued regarding payment of these expenses between Oakwood Life and District 5 and District 1. Ms. Baptist noted the District is not paying cleaning expenses for the sales office. Mr. Lange stated District 1 is the approving entity for bills, while District 5 approves only capital bills. The Board determined not to request reimbursement from Oakwood Homes for these bills. Attorney Mielke noted the building will eventually be conveyed to District 1 and not paying the bills runs the risk of the building being shut down/services shut off, as Oakwood owns it. Discussion ensued regarding certificate of occupancy from the City and accountability issues from not paying the bills. The Board determined to defer to next meeting until Directors Langer and Larson and Ms. Baptist can meet to discuss further.

Director Hubert noted issues he raised with Oakwood regarding the bulletin board website and communication with the community.

Decision: Special Projects for 2025:

Previously addressed.

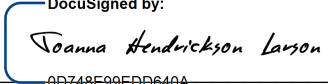
OTHER BUSINESS

None.

ADJOURNMENT

There being no further business to come before the Board at this time, upon a motion duly made by Director Langer, seconded by Director Hubert and, upon vote, unanimously carried, the meeting was adjourned at 10:38 a.m.

Respectfully submitted,

By  _____
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Secretary for the Meeting

Certificate Of Completion

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Subject: Complete with Docusign: 1E1 - Minutes Update 09-19-2024.pdf	
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Document Pages: 6	Signatures: 1
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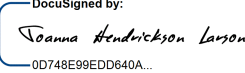
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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
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Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
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